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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHIN, PAUL T

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,105

Applicant(s)

JUSSILA ET AL.

Examiner

PAUL T. CHIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, readable on claims 1-7, in Paper No. 8, is acknowledged.
2. Claims 8-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, Group II, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on May 20, 2002, was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement (regarding the U.S. Patents 4,630,855 and 3,536,350) is being considered by the examiner. However, the information disclosure statement fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each of the foreign patent (FR 2659637, DE 2815186, and GB 1333436); each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

5. Claims 5-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5-7 have not been further treated on the merits.

6. Claims 2-7 are objected to because of the following informalities: it appears that "Control" (claims 2-7, line 1) before "system" should be changed to -- The control --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1- 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no antecedent basis for "the spreader frame" (claim 1, line 3), "the locking points" (claim 3, line 3), "the locking units" (Claim 3, line 4), or "the locking parts" (claim 4, line 3). Moreover, the exact meanings of the phrases "for stopping the telescopic movement of the telescopic beams" (claim 1, lines 6) and "the locking movements of the twistlocks" (claim 1, lines 10-11) are not clearly understood as to how the "telescoping beams" are stopped and how "the twistlock" is locked. Further, the

phrase “rope forces of different sizes” (claim 2) are vague and indefinite as to how the “rope force” has different sizes.

9. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3,5, and 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Bjurling (4,630,855).

Bjurling (4,630,855) discloses a controlling system comprising a spreader having at least two telescoping beams (2,3) moving inside a spreader frame (1) (Fig. 1), locking means (8), a multi-rope lever system (13) having a first rope, a second rope, and a third rope (Fig. 2), and actuator means (9) for operating the rope system, and a control system (5) for controlling the operation.

12. Claims 1-3,5, and 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hatley (4,688,839).

Hatley (4,688,839) discloses a controlling system comprising a spreader having at least two telescoping beams (24,26,28) (Figs. 2 and 5) moving inside a spreader frame (14)

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(Fig. 2), locking means (22), a multi-rope lever system (16,16) having a first rope (16), a second rope (16), and a third rope (16), and actuator means (18) for operating the rope system, and a control system (12) for controlling the operation.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 4 and 7, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjurling (4,630,855) or Hatley (4,688,839) in view of Backteman (3,536,350) or the United Kingdom Patent (GB 2,031,841).

Bjurling's system (4,630,855), as presented in section 11 above, or Hatley (4,688,839), as presented in section 12 above, does not show *a locking member having a drive ramp, a form-locking groove, a locking roller, and a locking spring for locking the roller.*

However, Backteman (3,536,350) shows *a locking member having a drive ramp (Fig. 3), a form-locking groove, a locking roller (Fig. 3), and a locking spring for locking the roller.* The United Kingdom Patent (GB 2,031,841) also shows *a locking member having a drive ramp (Fig. 3), a form-locking groove (22), a locking roller (19), and a locking spring (25) for locking the roller.* Accordingly, it would have been an obvious to provide a locking member assembly on the Bjurling's system (4,630,855) or Hatley's system (4,688,839) as taught by Backteman (3,536,350) or the United Kingdom Patent (GB 2,031,841) in order to provide as a support movement means.

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Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Miyazawa (6,502,879) shows a spreader system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL T. CHIN whose telephone number is (703) 305-1524. The examiner can normally be reached on MON-THURS (7:30 -6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



PAUL T. CHIN
Examiner
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